

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA,	§	
Petitioner,	§	
	§	
v.	§	Civil Action No. 3:16-CR-497-B-1
	§	
LINZI LADAWN SHIFFLETT,	§	
BOP #55189-177/TDCJ #02179855,	§	
Respondent.	§	

ORDER ACCEPTING FINDINGS, CONCLUSIONS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

The United States Magistrate Judge made findings, conclusions and a recommendation in this case. No objections were filed. The District Court reviewed the proposed findings, conclusions and recommendation for plain error. Finding none, the Court ACCEPTS the Findings, Conclusions and Recommendation of the United States Magistrate Judge.


IT IS THEREFORE ORDERED that Defendant's request to (1) modify and reduce sentence, (2) run her federal and state sentences concurrently, and (3) be placed in federal custody is DENIED and that any challenge to the way her sentence is being executed is DISMISSED for lack of jurisdiction. Crim. Doc. 73.

The Clerk of the Court is DIRECTED to open for statistical purposes a new habeas case under 28 U.S.C. § 2241 (nature of suit 530 directly assigned to the District Judge and Magistrate Judge assigned to the criminal case) based on Defendant's motion, and to close the same on the basis of this order.

The Court prospectively certifies that any appeal of this order would not be taken in good faith. See 28 U.S.C. § 1915(a)(3); FED. R. APP. P. 24(a)(3). In support of this finding, the Court

adopts and incorporates by reference the magistrate judge's findings, conclusions and recommendation. *See Baugh v. Taylor*, 117 F.3d 197, 202 n.21 (5th Cir. 1997). Based on the findings, the Court finds that any appeal of this order would present no legal point of arguable merit and would, therefore, be frivolous. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). In the event of an appeal, Defendant may challenge this certification by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of the Court, U.S. Court of Appeals for the Fifth Circuit. *See Baugh*, 117 F.3d at 202; FED. R. APP. P. 24(a)(5).¹

SO ORDERED this 18th day of _August, 2022.


JANE J. BOYLE
UNITED STATES DISTRICT JUDGE

¹Federal Rule of Appellate Procedure 4(a) governs the time to appeal an order. A timely notice of appeal must be filed even if the district court certifies an appeal as not taken in good faith.